

Question 9:

ERS USA Inc. ("ERS") desires streamlined processing pursuant to Section 63.12 of the Commission's rules. ERS qualifies for streamlined processing under Section 63.12(c)(1)(ii) because although ERS is affiliated with a foreign carrier in a destination market, ERS qualifies for a presumption of non-dominance under Section 63.10(a)(3). As more fully described in response to Question 11 below, ERS qualifies for a presumption of non-dominance under Section 63.10(a)(3) because the foreign carrier with which ERS is affiliated is not a monopoly provider and does not have more than 50% of the market share for international transport or local access on the foreign end of the relevant routes.

The other restrictions set forth in Section 63.12(c) of the Commission's rules do not apply. ERS does not have an affiliation with a dominant U.S. carrier whose international switched or private line services the applicant seeks authority to resell. And ERS does not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the provision of switched services over private lines.

Question 11:

**63.18(i)** – ERS hereby certifies that it is affiliated with European Relay Service ("European"), a sole proprietorship formed under the laws of Ireland because European is 100% owned by the sole owner of ERS.

**63.18(j)** – ERS hereby certifies that it seeks to provide international telecommunications services to Ireland, the United Kingdom and the European Union, where its foreign carrier affiliate European provides services.

**63.18(k)** – Ireland is a member of the WTO (as are the UK and the European Union). In addition, European lacks market power in Ireland, the UK and the European Union. European has less than 1% of the market for telecommunications services and access lines in Ireland, the UK and the European Union.

**63.18(l)** – ERS desires the authority to resell the international switched services of an unaffiliated U.S. carrier on the routes to Ireland, the United Kingdom and the European Union. Accordingly, pursuant to Section 63.10(a)(3), ERS hereby certifies that European is not a monopoly provider in Ireland, the United Kingdom or the European Union. ERS further submits the following information to demonstrate that European does not have sufficient market power on the foreign end of the routes to the countries specified above to adversely affect competition in the U.S. market: European has less than 1% of the market for

telecommunications services and access lines in Ireland, the UK and the European Union.

**63.18(m)** – ERS desires to be classified as non-dominant. ERS submits that the information set forth above for Section 63.18(l) demonstrates that it is presumptively non-dominant under Section 63.10(a)(3) of the Commission's Rules.

Question 12:

As described above, ERS desires to be authorized to provide international telecommunications services to, among other countries, Ireland, the UK and the European Union, where it has a foreign carrier affiliation as described above.

Question 15:

- (d) ERS has not received authority previously under Section 214 of the Communications Act.
- (e) ERS certifies that it will comply with the terms and conditions contained in sections 63.21, 63.22 and 63.23 of the Commission's rules.
- (f) At this time, ERS seeks no other authorization available under Section 63.18(e).
- (g) Not applicable.